

IN THE COURT OF THE MUNSIFF OF ALATHUR

Present:- Sri.Binu.P., Munsiff, Alathur

Friday, 18th day of August, 2023
 (27th day of Sravana, 1945 S.E)

.....

ORIGINAL SUIT No.521/2015

Valsala, aged 55 years, D/o Late Sahadevan Master,
 Swastham, residing at 97/A, Narayana Nilayam,
 Viswakarma Colony, Gayathripuram, Mysore,
 Karnataka State. } Plaintiff

Vs.

1. Mani, aged 58 years, W/o Late Sahadevan Master,
 Swastham, residing at Karuthedath House,
 Konnackalkadave, Korenchira P.O, Kizhakkenchery
 amsom desom, Alathur Taluk.
 2. Anumol, aged 28 years, D/o Late Sahadevan Master,
 Swastham, residing at Karuthedath House,
 Konnackalkadave, Korenchira P.O, Kizhakkenchery
 amsom desom, Alathur Taluk.
 3. Nivinraj, aged 34 years, S/o Baburaj, Business,
 residing at Karuthedath House, Konnackalkadave,
 Korenchira P.O, Kizhakkenchery amsom desom,
 Alathur Taluk.
- } Defendants

This suit is coming on 5th day of August, 2023 for final hearing before me in the presence of Sri.O.C.James and Sri.Jacob Mathew, Advocates for the plaintiff and defendant was called absent set exparte and having stood over to this day for consideration this Court delivered the following.

J U D G M E N T

Suit for permanent prohibitory injunction.

2. The plaint averments in brief are as follows :-

The plaint submits that he is the absolute owner of the plaint schedule property and he got right and title over the plaint schedule property by virtue of sale deed bearing No.194/1982 of SRO, Alathur. The plaint schedule property having an extent of 1.73 Acres are lying in single plot. The first defendant is the step-mother and the second defendant is the half sister of the plaintiff. The third defendant is the husband of the second defendant. After the death of plaintiff's mother, her father married the first defendant. The plaintiff is a permanent resident of Mysuru and used to visit the plaint schedule property once in a month. Plaintiff's father owns property adjacent to the plaint schedule property. The defendants are not maintaining good terms with the plaintiff and by taking advantage of the absence of the plaintiff in the station, trespassed and made attempt to encroach upon the plaint schedule property. On 16.11.2015 the defendants came to the plaint schedule property to encroach the and same by trespassing. Due to the timely intervention of the plaintiff the defendants retreated from the scene. But while retreating defendants threatened that they will come again. Hence the suit for permanent prohibitory injunction against the defendants.

3. The defendants were called absent and set ex parte. The plaintiff was examined as PW1 and exhibits A1 to A5, C1, to C4 were marked. Exhibit A1 is the certified copy of the sale deed bearing No.194/1982 of SRO, Alathur. Exhibits A2 and A3 are the original tax receipts. Exhibits A4 and A5 are the original possession certificates. Exhibits C1 and C2 are the report and rough plan. Exhibits C3 and C4 are the detailed commission report and survey

plan. PW1 filed proof affidavit in support of her averments in the plaint. The unquestioned oral testimony of PW1 coupled with exhibits, the plaintiff has proved her case.

In the result, the suit is decreed as follows :-

- i. The defendants and their men are restrained by way of permanent prohibitory injunction from trespassing and encroaching into the plaint schedule property and also from causing any obstruction or disturbance to the peaceful possession and enjoyment of the same by the plaintiff.
- ii. The defendants shall pay the costs of the suit.

Dictated to Confidential Assistant, transcribed and typed by him, corrected and pronounced by me in open court on this the 18th day of August, 2023.

Munsiff

APPENDIX:-

Plaintiff's Witness Examined:-

PW1 : Valsala.

Plaintiff's Exhibits Marked :-

A1	13.01.1982	:	Certified Copy of Jenmam Assignment Deed No.194/1982 of SRO, Alathur executed by Viswanathan in favour of Valsala.
A2	07.12.2015	:	Basic Tax Receipt issued by the Village Officer, Kizhakkenchery I Village in the name of Valsala.
A3	30.05.2017	:	Basic Tax Receipt issued by the Village Officer, Kizhakkenchery I Village in the name of Valsala.

- A4 15.12.2015 : Possession Certificate issued by the Village Officer, Kizhakkenchery I Village in the name of Valsala.
- A5 28.09.2017 : Possession Certificate issued by the Village Officer, Kizhakkenchery I Village in the name of Valsala.

Defendants Witness & Exhibits :- NIL

Court Witness Examined :- NIL

Court Exhibits Marked :-

- C1 23.11.2015 : Commission Report submitted by Sri.Jibi.B, Advocate Commissioner.
- C2 23.11.2015 : Rough Plan submitted by Sri.Jibi.B, Advocate Commissioner.
- C3 06.01.2022 : Commission Report submitted by Sri.Jibi.B, Advocate Commissioner.
- C4 06.01.2022 : Survey Plan submitted by Sri.Jibi.B, Advocate Commissioner.

Munsiff

Fair/Copy of Judgment

in O.S.521/2015

Dated :18.08.2023